

# OFFICE OF THE ATTORNEY GENERAL

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Mr. Warren Gaston  
Executive Director  
Board of Pardons & Paroles  
750 Washington Avenue  
Montgomery, AL 36130

Criminal Code - Crimes and  
Offenses - Habitual Offender

A criminal defendant who  
commits two Class A felonies  
within a short period of time  
is ineligible for parole if the  
second Class A felony was  
committed after conviction on  
the first Class A felony.

Dear Mr. Gaston:

We have received your request for an opinion from this  
office. Your question is as follows:

...concerning Code of Alabama 1975, Section 15-22-27.2  
which states:

In all cases where a criminal defendant  
has been convicted of a Class A felony  
committed after a previous conviction of  
another Class A felony, and such second  
conviction results in a sentence to  
imprisonment for life, he shall not be  
eligible for parole.

Would a person who commits two Class A felonies,  
but is not convicted of the first felony before he  
commits the second felony, be subject to these  
provisions?

Mr. Warren Gaston  
Page Two

A criminal defendant is not subject to the provisions of Section 15-22-27.2 of the Code of Alabama 1975 unless the second Class A felony was committed after conviction of the prior Class A felony. Fowler v. State, 448 So.2d 447 (Ala. Cr. App. 1984).

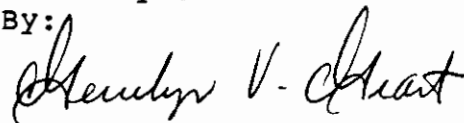
For example, suppose a person commits a Class A felony and is arrested. While out on bond, the defendant commits another Class A felony. Code of Alabama, 1975, Section 15-22-27.2 would not apply since the defendant was not convicted of the first felony at the time of commission of the second felony.

I hope this sufficiently answers your question. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN  
Attorney General

By:



GERRILYN V. GRANT  
Assistant Attorney General

DS/GVG/pd

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